

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) (SN) ECF Case
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This document relates to:

Ashton et al. v. al Qaeda Islamic Army, et al., 02-cv-6977 (GBD)(SN) (and member case *Burlingame v. Bin Laden, et al.*, 02-cv-7230 (GBD)(SN))

[Proposed] Final Order of Judgment on Behalf of Certain *Burlingame* Plaintiffs Against Defendants *Taliban* and *Muhammed Omar*

Upon consideration of the evidence and arguments submitted by the plaintiffs in *Burlingame et al. v. Bin Laden, et al.*, 02-cv-7230 (S.D.N.Y.) (GBD) (SN), on behalf of those Speiser Krause plaintiffs identified in Exhibits A-1, A-2, B-1 and B-2 to this Order, who are each the estate of a victim killed in the terrorist attacks on September 11, 2001 (the “*Burlingame* 9/11 Decedents”), those individuals who were each physically injured on September 11, 2001 as a direct and proximate result of the terrorist attacks on September 11, 2001 (the “*Burlingame* 9/11 Personal Injury Plaintiffs”) (Exhibits A-1 and A-2); and the immediate family members of those victims who were also listed by name in the complaint forming the basis of the subsequently obtained default judgment against defendants the Taliban and Mohammed Omar, among others, (Exhibits B-1 and B-2); and in light of the Judgment by Default for liability against defendants the Taliban and Muhammed Omar entered on May 12, 2006 (ECF 1797), together with the entire record in this case, it is hereby;

ORDERED that each Estate of the *Burlingame* 9/11 Decedents listed in Exhibits A-1 and A-2 is awarded damages for conscious pain and suffering against the *Taliban* and *Omar* Defendants in the amount of \$2,000,000 per decedent;

ORDERED that each Estate of the *Burlingame* 9/11 Decedents listed in Exhibits A-1 and A-2 is awarded damages for economic loss against the *Taliban* and *Omar* Defendants in the amounts set forth therein;

ORDERED that each of the *Burlingame* 9/11 Personal Injury Plaintiffs listed in Exhibit A-1 is awarded compensatory damages for pain and suffering against the *Taliban* and *Omar* Defendants in the amounts set forth therein;

ORDERED that each individual listed in Exhibits B-1 and B-2 is awarded solatium damages in the amounts set forth therein;

ORDERED that each individual listed in Exhibits A-1 and B-1 who asserted claims under the Anti-Terrorism Act (18 U.S.C. 2333), is awarded treble damages;

ORDERED that those plaintiffs are entitled to pre-judgment interest on those awards at the rate of 4.96 percent per annum, compounded annually for the period from September 11, 2001 until the date of the judgment for damages;

ORDERED that those plaintiffs on Exhibits A-1, A-2, B-1 and B-2 may submit an application for punitive damages, or other damages (to the extent such awards have not previously been ordered), at a later date consistent with any future rulings made by this Court on this issue; and

ORDERED that the remaining *Burlingame* Plaintiffs not appearing on Exhibits A-1, A-2, B-1 and B-2 may submit in later stages applications for damages awards, and to the extent they are for solatium or by estates for compensatory damages for decedents' pain and suffering from the September 11, 2001 attacks, they will be approved consistent with those approved herein for other plaintiffs in this action.

This Order is not binding on the determination of damages for defendants other than the Taliban and Omar Muhammad.

The Clerk of the Court is hereby directed to terminate the motion docketed at MDL ECF No. 8335 and 02-cv-7230 (S.D.N.Y.) ECF No. 230.

Dated: New York, New York
_____, 2022

SO ORDERED:

GEORGE B. DANIELS
United States District Judge